

of

WESTFIELD

Police Department

EXHIBIT
NO. 3

Date and Time of Report	Mo.	Day	Yr.	Time
	11	27	92	

INCIDENT	Offense/Incident		Incident Code	OCCURRENCE												REPORTED		
	209A - ARREST		28	FROM				TO										
	Mo.	Day	Yr.	Time	Mo.	Day	Yr.	Time	Mo.	Day	Yr.	Time	Mo.	Day	Yr.	Time		
	33 BROAD ST			11 27 92				11 27 92				11 27 92						
	Location of Offense		Address		Apt. No.		GEO Code		Premise		Occu.		SPF		Detect			
	33 BROAD ST		5T		11		01		LIVING ROOM									
	How incident was reported		Means of attack/point of entry		Weapon/method of entry													
	MRS MULLER		STOMACH		KNIFE / PIPE													
	Report of Domestic Violence																	
	YES																	
VICTIM	Victim (Last Name, First, M.I.)																	
	MULLER, ANN																	
	Sex	Race	Date of Birth	Age	Soc. Sec. No.	Occupation	Emp.											
	F	W	7-25-60	32	025-54-6697													
	Victim, Home Address (House No., Street Name, City, State)																	
	33 BROAD ST APT. 11 WESTFIELD																	
	Place of employment/school attended																	
	562-4966																	
	WIFE																	
	562-6038																	
	MOTHERS																	
	Prior Victimization																	
	Mo. Day Yr.																	

OTHER WITNESSES	WITNESS OTHER THAN VICTIM: I = INVOLVED PARTICIPANT DC = DISCOVERED CRIME RP = REPORTING PARTY W = WITNESS															
	Code	Last Name	First Name	M.I.	Sex	RACE	DATE OF BIRTH	Age	Height	Weight	Skin	Hair	Eyes	Hand	Telephone	Address
	Mo.	Day	Year													

SUSPECT	Suspect No. 1 (Last Name, First, M.I.)																
	MULLER, DONALD																
	Sex	Race	Date of Birth	Age	Height	Weight	Skin	Hair	Eyes	Hand							
	M	W	6-10-61	31	5'8"												
	Scars, Marks, Tattoos — Clothing																
	Suspect No. 1 May be located at																
	33 BROAD ST APT. 11 WESTFIELD																
	Suspect No. 2 (Last Name, First, M.I.)																
	Sex	Race	Date of Birth	Age	Height	Weight	Skin	Hair	Eyes	Hand							
	Scars, Marks, Tattoos — Clothing																
	Suspect No. 2 May be located at																

VEHICLE	STATUS		Year	Make/Model	Style	Color (Top/Bottom)	Identifying Characteristics
	<input type="checkbox"/> Stolen	<input type="checkbox"/> Suspect					
	<input type="checkbox"/> Vicimized	<input type="checkbox"/> Recovered					
	Registration No.		Vehicle Identification No. (VIN)		Value		

PROPERTY	Type	Mfg. or Trade Name	Material	Size	I.D. or Serial No.	Pres. Value	How Established
	Type	Mfg. or Trade Name	Material	Size	I.D. or Serial No.	Pres. Value	How Established

NARRATIVE

SEE - ATTACHED - REPORT

I hereby certify that the contents of this report are true and correct to the best of my knowledge and belief.

Reporting Officer	Badge No.
Second Officer	Badge No.

CONTINUED

☐ No
☐ Supplement

Assignment	SE	Car	4
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CASE STATUS

☐ Active
☐ Inactive
☐ Unfounded
☐ Cleared

Supervising Officer

APPLICATION
COMPLAINT

NUMBER

Document 4-3

Filed 09/16/2004

Page 2 of 15

ADULT
JUVENILE

Trial Court of Massachusetts
District Court Department



ARREST

☐ HEARING

☐ SUMMONS

☐ WARRANT

The within named complainant requests that a complaint issue against the within named defendant, charging said defendant with the offense(s) listed below.

DATE OF APPLICATION
11/27/92

DATE OF OFFENSE
11/27/92

PLACE OF OFFENSE
Westfield

EXHIBIT
NO.4

Westfield District Court
25 Washington Street
Westfield, MA 01085

NAME OF COMPLAINANT
Off. Jose Torres

NO.

OFFENSE

G.L. Ch. and Se

ADDRESS AND ZIP CODE OF COMPLAINANT

Westfield Police Dept.
15 Washington St.,
Wfld., Ma.

1.

Assault with a Dangerous
Weapon in Violation of 209A

265 S15A

2.

3.

4.

NAME, ADDRESS AND ZIP CODE OF DEFENDANT

Donald Muller
33 Broad St. Apt. 11
Westfield, Ma.

COURT USE
ONLY

A hearing upon this complaint application
will be held at the above court address on

DATE OF HEARING

TIME OF HEARING

AT

COURT USE
ONLY

CASE PARTICULARS — BE SPECIFIC

NO.	NAME OF VICTIM Owner of property, person assaulted, etc.	DESCRIPTION OF PROPERTY Goods stolen, what destroyed, etc.	VALUE OR PROPERTY Over or under \$250.	TYPE OF CONTROLLED SUBSTANCE OR WEAPON Marijuana, gun, etc.
1	Ann Muller			
2	33 Broad St. Apt. 11 Westfield, Ma.			
3	(wife of defendant)			
4				

OTHER REMARKS: Victim reported that her husband came home drunk and when he is drunk becomes aggressive and paranoid. She felt threatened by him and when she called the station he ripped the phone off the wall and smashed it to the floor. He grabbed a knife and pipe and refused to let her open the door when the police arrived. ~~XXXX~~ She stated she was afraid of what he was going to do with the knife. When the police forced our way in Mr. Muller stabbed himself with the knife he was holding.

DEFENDANT IDENTIFICATION INFORMATION — Complete data below if known.

DATE OF BIRTH 06/10/61	PLACE OF BIRTH Holyoke, Ma.	SOCIAL SECURITY NUMBER 010-52-3550	SEX M	RACE W	HEIGHT 5'8"	WEIGHT 160	EYES Bro.	HAIR Bro.
OCCUPATION Unemployed	EMPLOYER/SCHOOL -----	MOTHER'S NAME (MAIDEN) Ceal Chartrum	FATHER'S NAME John Muller					

SIGNATURE OF COMPLAINANT

COURT USE ONLY

DATE	DISPOSITION	AUTHORIZED BY
	<p>NO PROCESS TO ISSUE</p> <p><input type="checkbox"/> At request of complainant</p> <p><input type="checkbox"/> Complainant failed to prosecute</p> <p><input type="checkbox"/> Insufficient evidence having been presented</p>	
	<p>PROCESS TO ISSUE</p> <p><input type="checkbox"/> Sufficient evidence presented</p> <p><input type="checkbox"/> Defendant failed to appear</p> <p><input type="checkbox"/> Continued to</p>	<p>TYPE OF PROCESS</p> <p><input type="checkbox"/> Warrant</p> <p><input type="checkbox"/> Summons returnable</p>
COMMENTS		

COURT COPY

EXHIBIT 4A

§ 15A

CRIMES AGAINST THE PERSON

C. 265

§ 15A. Assault and Battery with Dangerous Weapon.

(a) Whoever commits assault and battery upon a person sixty-five years or older by means of a dangerous weapon shall be punished by imprisonment in the state prison for not more than ten years or by a fine of not more than one thousand dollars or imprisonment in jail for not more than two and one-half years.

Whoever, after having been convicted of the crime of assault and battery upon a person sixty-five years or older, by means of a dangerous weapon, commits a second or subsequent such crime, shall be punished by imprisonment for not less than two years. Said sentence shall not be reduced until two years of said sentence have been served nor shall the person convicted be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct until he shall have served two years of such sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution; or the administrator of a county correctional institution, grant to said offender a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of next of kin or spouse; to visit a critically ill close relative or spouse; or to obtain emergency medical services unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and seventy-six relating to the power of the court to place certain offenders on probation shall not apply to any person seventeen years of age or over charged with a violation of this subsection.

(b) Whoever commits assault and battery upon another by means of a dangerous weapon shall be punished by imprisonment in the state prison for not more than ten years or by a fine of not more than one thousand dollars or imprisonment in jail for not more than two and one-half years.

181

U.C.C.

C. 265

ANNOTATED LAWS OF MASSACHUSETTS

§ 15A

History—

1927, 187, § 1; 1981, 678, § 1.

EXHIBIT 4B

§ 15B

CRIMES AGAINST THE PERSON

C. 265

§ 15B. Assault by Means of a Dangerous Weapon.

(a) Whoever, by means of a dangerous weapon, commits an assault upon a person sixty-five years or older, shall be punished by imprisonment in the state prison for not more than five years or by a fine of not more than one thousand dollars or imprisonment in jail for not more than two and one-half years.

Whoever, after having been convicted of the crime of assault upon a person sixty-five years or older, by means of a dangerous weapon, commits a second or subsequent such crime, shall be punished by imprisonment for not less than two years. Said sentence shall not be reduced until one year of said sentence has been served nor shall the person convicted be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct until he shall have served one year of such sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or the administrator of a county correctional institution, grant to said offender a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of next of kin or spouse; to visit a critically ill close relative or spouse; or to obtain emergency medical services unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and seventy-six relative to the power of the court to place certain offenders on probation shall not apply to any person seventeen years of age or over charged with a violation of this subsection.

For the purposes of prosecution, a conviction obtained under subsection (a) of section fifteen A or paragraph (a) of section 18 shall count as a prior criminal conviction for the purpose of prosecution and sentencing as a second or subsequent conviction.

(b) Whoever, by means of a dangerous weapon, commits an assault upon another shall be punished by imprisonment in the state prison for not more than five years or by a fine of not more than one thousand

dollars or imprisonment in jail for not more than two and one-half years.

History—

1955, 112; 1981, 678, § 2.

COUNT FOUR CAUSE OF ACTION

22. Plaintiff was detained in custody at the Westfield Police Station while defendants (WESTFIELD POLICE OFFICERS) [u]sed their [p]ersonal and [o]fficial capacities to perform acts which contributed to the furtherance of the ongoing conspiracy to violate Plaintiff's federal constitutional rights, by:

(1) PREPARING an "ARREST/CUSTODY REPORT" dated 11/27/92, stating FALSE STATEMENTS "treated for self-inflicted knife wounds" "OFFENSES ASSAULT W/DANG. WEAPON IN VIOLATION 209A"; MGL,c.265,§15B SGT. BEEDE,Lt.MILLER" "\$500.00 bail"
[EXHIBIT NO.2.)

(2)"POLICE OFFICER'S INCIDENT REPORT"
11/27/92 209-A ARREST (stating FALSE REPORTS:
"VICTIM WIFE" "WEAPON-KNIFE/PIPE" "DOMESTIC VIOLENCE - YES" "REPORTING OFFICER,JOSE TORRES".
[EXHIBIT NO.3.)

(3) "WESTFIELD DISTRICT COURT- APPLICATION FOR COMPLAINT"
11/27/92, "OFFENSE,ASSAULT WITH A DANGEROUS WEAPON IN VIOLATION OF 209A- MGL,c.265,§15A"
"NAME OF VICTIM - ANN MULLER" "OTHER REMARKS:"
(FALSE STATEMENTS):"WHEN THE POLICE FORCED OUR WAY IN MR. MULLER STABBED HIMSELF WITH THE KNIFE HE WAS HOLDING," AND OTHER FALSE STATEMENTS.
[EXHIBIT NO.4.)

(4) "SUMMONS AND COMPLAINT Docket No.9244 CR 1978"
"OFFENSE CODE 620; COUNT OFFENSE(a) ASSAULT BY

DANGEROUS WEAPON C265 §15B(C.209a)

"DID, BY MEANS OF A DANGEROUS WEAPON, KNIFE,
ASSAULT ANN MULLER, IN VIOLATION OF GENERAL
LAW, CHAPTER 265, §15B."

23. Plaintiff claims that the DISTRICT COURT CRIMINAL COMPLAINT AND ACCOMPANYING DOCUMENT failed to meet the LEGISLATIVE STANDARDS OF AUTHENTICATION, and were VOID ON THEIR FACES: See: MASS.GEN.LAW, Chapter 218, §4, §44.

[EXHIBIT NO.5. and EXHIBIT NO.6.].

24. The DISTRICT COURT had Plaintiff appear in court on TUESDAY, DECEMBER 1, 1992 at 8:30 A.M. and while being held under arraignment he was told that he was being committed to SOUTHEASTERN CORRECTIONAL CENTER/ADDICTION CENTER PROGRAM UNIT for 30 DAYS.

(1) STAFF-MEMBER (name un-readable) wrote in the SECC/ACPU records depicting Plaintiff as "IT", rather than a HUMAN BEING/PERSON! [EXHIBIT J.]

(2) Plaintiff was DISCHARGED on 12/29/92 and TRANSPORTED TO HAMPDEN COUNTY JAIL at LUDLOW, MASS. where he was held in custody for approximately 8 days, and released on BAIL.

COUNT FIVE
CAUSE OF ACTION

25. On MAY 21, 1993 Plaintiff appeared at the HOLYOKE DISTRICT COURT where HE WAS PROSECUTED on (FALSE) charges of "ASSAULT BY A DANGEROUS WEAPON Chap.265 §15B (Chap.209A)," whereupon he was FOUND NOT GUILTY, BY A JURY OF HIS PEERS.

SUMMONS AND COMPLAINT

DOCKET NUMBER

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CR 1978

COURT DIVISION

Westfield

NAME, ADDRESS AND ZIP CODE OF DEFENDANT

Donald P. Muller
33 Broad St. #11
Westfield, MA

010-52-3550

EXHIBIT

NO.5

Trial Court of Massachusetts
District Court Department

TO THE DEFENDANT HEREIN:

The within named and undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date and at the location stated herein the defendant did commit the offense(s) listed below.

You are ordered to appear in this court on the return date and at the time noted herein to answer to a criminal complaint charging you with the offense(s) listed below. Please report to the probation office upon your arrival at the court. The court address is noted at the bottom of this form.

DATE AND TIME
YOU MUST
APPEAR IN COURT

DEF. DOB AND SEX

6/10/61 (M)

OFFENSE CODE(S)

620

DATE OF OFFENSE

11/27/92

PLACE OF OFFENSE

Broad St., Westfield

COMPLAINANT

Kenneth Kent

POLICE DEPARTMENT (if applicable)

Westfield

DATE OF COMPLAINT

11/30/92

RETURN DATE AND TIME

Tues. Dec. 1, 1992 at 8:30 a.m.

COUNT-OFFENSE

a. ASSAULT BY DANGEROUS WEAPON C265 S15B (C.209a)

did, by means of a dangerous weapon, knife, assault Ann Muller, in violation of G.L. c.265, s.15B.

COUNT-OFFENSE

COUNT-OFFENSE

COUNT-OFFENSE

24.

COMPLAINANT

Kenneth Kent

SWORN TO BEFORE CLERK, MAGISTRATE/ASST. CLERK

X *[Signature]*

ON (DATE)

11/30/92

☐ ADDITIONAL
COUNTS
ATTACHED

WITNESS:

Philip A. Contant

COURT ADDRESS

25 Washington Street
Westfield, MA 01085

YOUR TRIAL WILL
BE HELD AT THIS
COURT ADDRESS

NOTICIÓN

ESTA ES UNA NOTIFICACIÓN OFICIAL DE LA CORTE. SI USTED
NO SABE LEER INGLÉS, OBTENGA TRADUCCIÓN.



C. 218

ANNOTATED LAWS OF MASSACHUSETTS

§ 3

§ 4. Courts of Record and Superior Jurisdiction; Seal.

District courts shall be courts of record. They shall be courts of superior and general jurisdiction with reference to all cases and matters in which they have jurisdiction, and no order, decree, judgment, sentence, warrant, writ or process made, issued or pronounced by them need set out any adjudication or circumstances with greater particularity than would be required in other courts of superior and general jurisdiction, and the like presumption shall be made in favor of proceedings of such courts as would be made in favor of proceedings of other courts of superior and general jurisdiction. Each district court shall have a seal, which shall be in the custody of its clerk, and shall be affixed to all processes issued by such court requiring a seal. (1853, 179, § 3; 1855, 270, § 5; GS 116, § 26; PS 154, § 30; 1893, 396, § 58; 1894, 431; RL 160, § 6; 1909, 219, § 1; 1911, 473, § 1; 1916, 174, § 2.)

§ 44. Process, Formal Requisites, To Run Throughout Commonwealth.

Processes issuing from district courts shall be under the seal of the court, signed by the clerk or an assistant clerk or temporary clerk or temporary assistant clerk, and shall bear teste of the justice, or, in the Boston municipal court department, the administrative justice, unless he is a party or unless his office is vacant, and in such cases they shall bear teste of the special justice who holds the senior commission or the senior associate justice. The process, civil or criminal, of a district court shall run throughout the commonwealth for service in any case or proceeding within its jurisdiction. (1822, 12; RS 85, § 17; 87, § 12; 1855, 270, § 5; 428, § 7; 1857, 264, § 8; GS 116, § 26; 120, § 4; PS 154, § 30; 155, § 15; 1888, 415; 1893, 396, §§ 15, 64; 1894, 431; RL 160, §§ 22, 46; 1912, 649, § 1; 1916, 174, § 1; 1978, 478, § 201.)

Editorial Note—

The 1978 amendment, as part of the program to consolidate the several courts of trial jurisdiction, substituted the term "administrative" justice for "chief" justice, referring to the Boston Municipal Court.

DISCHARGE SUMMARY

EXHIBIT JName: Donald MullerNumber: MO/777 D.O.B.: 6/16/61Commitment Date: 12/1/92Discharge Date: 12/29/92Committed From: Westfield

District Court

I. Adjustment/Program Summary

A. Program Evaluation: It has completed one programB. Overall Adjustment: it has adjusted well, he hasn't had any problems

Discharge Plan

A. Placement Arranged At: it has asked for placement
(Name of Facility)

(Contact Person) (Address)

(Additional Comments)

B. Address Upon Release: 33 Broad St. Apt 11
Westfield,C. Transportation Arrangements: shirley off

III. After-Care Recommendations:

I would recommend that Donald go to AA meetings and
sub admission to individual or group therapy. If he
follows these recommendations his prognosis is good.

Client: Donald MullerS/A Therapist: Henry Hunk

S.F.R. Director:

S/C Unit Manager:

Date: 12-22-92Date: 12/21/92

Date: _____

Date: _____

PROVDSCH-UM
AS/sjc

26. After the trial, Plaintiff's wife (then: ANN MULLER) did approach him, outside of the courtroom, and stated to him: "I was forced to testify against you." She was referring to the testimony she gave during trial, saying that I had waived the knife in front of her. She was crying, and said that she was sorry. COUNT SIX CAUSE OF ACTION

27. Plaintiff claims that defendants TORRES, O'BRIEN, COACH, McCABE and SAMATARO had inflicted CRUEL AND UNUSUAL PUNISHMENT UPON HIM, with DELIBERATE INDIFFERENCE, causing Plaintiff to suffer SEVERE PAIN AND MENTAL ANGUISH, from being denied prompt and proper medical care and treatment to the injuries resulting from the POLICE INTENTIONALLY CAUSING THE STAB WOUND IN PLAINTIFF'S ABDOMEN; POLICE INTENTIONALLY ASSAULTING PLAINTIFF WITH CHEMICAL MACE, INFLECTING FIRST DEGREE BURNS TO PLAINTIFF'S FACE AND UPPER BODY; CAUSING PLAINTIFF TO SUFFER THE ONGOING AGONIES OF MENTAL SHOCK, NIGHTMARES AND FLASH-BACKS, PSYCHOLOGICAL INJURIES, PUBLIC HUMILIATION AND EMBARRASSMENT AND LOSS OF SLEEP.

28. Defendants acted intentionally to maim and assault Plaintiff, putting him in grave fear of his life, Defendants shown and demonstrated a gross abuse of OFFICIAL POWERS, causing Plaintiff to suffer irretrievable psychological damages.

COUNT SEVEN CAUSE OF ACTION

29. PLAINTIFF claims, as was shown in the HOLYOKE DISTRICT COURT, as to the chain of events on NOVEMBER 27, 1992, before JUDGE AND JURY, THE TRUE FACTS OF THE MATTER WERE THAT THE WESTFIELD POLICE DEFENDANTS, ON THE SCENE OF THIS DISTURBANCE CALL, CAUSED PLAINTIFF TO BE INJURED. [EXHIBIT NO.7.]
30. ANN MULLER never stated at anytime, including her statement "OF MY OWN FREE WILL", at the police station, that Plaintiff HAD assaulted her nor was the phone smashed. Other MIS-INFORMATION given to the defendants (Westfield Police Officers,) by Plaintiff's wife, stating "HE TOOK THE PHONE AWAY FROM ME AND SMASHED IT ON THE GROUND."
31. Plaintiff claims that this phone had NOT BEEN SMASHED ON THE GROUND, at time of trial, the true fact was, that after ANN MULLER had called "911" Plaintiff asked for and received the phone, this to tell "911" that "THERE WAS NO NEED TO SEND ANYBODY, WE WERE JUST HAVING A MINOR ARGUMENT." The dispatcher, defendants WESTFIELD POLICE OFFICER, defendant SANATARO, stated "THAT MULLER HAD CALLED THE STATION AND LEFT THE PHONE OFF THE HOOK, AND THEY WERE ABLE TO HEAR WHAT MULLER WAS SAYING IN THE APARTMENT." See, hereinabove, [EXHIBITS K and EXHIBIT A.]
32. Plaintiff claims that the defendants WESTFIELD POLICE STATION, and defendant police officers, named hereinabove, did perform acts in the furtherance of the conspiracy, to commit acts of SUBORDINATION OF PERJURY by using Plaintiff's wife to testify prevarications, in an effort to procure a guilty-verdict against Plaintiff, in blatant violation of his Federal Constitutional rights. Defendants scam FAILED; the jury acquitted him.

Westfield

Case 3:04-cv-30185-KPN

Document 4-3

Filed 09/16/2004

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NAME, ADDRESS AND ZIP CODE OF DEFENDANT

Donald P. Muller
33 Broad St. #11
Westfield, MA

010-52-3550

DEF. DOB AND SEX

6/10/61 (M)

OFFENSE CODE(S)

620

DATE OF OFFENSE

11/27/92

PLACE OF OFFENSE

Broad St., Westfield

COMPLAINANT

Kenneth Kent

POLICE DEPARTMENT (if applicable)

Westfield

DATE OF COMPLAINT

11/30/92

RETURN DATE AND TIME

Tues. Dec. 1, 1992 at 8:30 a.m.

COUNT-OFFENSE

a. ASSAULT BY DANGEROUS WEAPON C265 S15B (C.209a)

DATE

DEC 1 1992

PLEA

☒ Not Guilty ☐ Guilty ☐ Nolo☐ New Plea:☐ Admits suff. facts

FINDING

after jury trial

JUDGE

McDonough

not guilty

☐ Cont. w/o finding until:☐ Appeal of find. & disp.☐ Appeal of disp.

IMPRISONMENT AND OTHER DISPOSITION

FINAL DISPOSITION

☐ Discharged from probation☐ Dismissed at request of probation

DATE

FINE

SURFINE

COSTS

TOTAL DUE

COUNT-OFFENSE

DATE

PLEA

☐ Not Guilty ☐ Guilty ☐ Nolo☐ New Plea:☐ Admits suff. facts

FINDING

JUDGE

☐ Cont. w/o finding until:☐ Appeal of find. & disp.☐ Appeal of disp.

FINAL DISPOSITION

☐ Discharged from probation☐ Dismissed at request of probation

DATE

FINE

SURFINE

COSTS

TOTAL DUE

DATE

PLEA

☐ Not Guilty ☐ Guilty ☐ Nolo☐ New Plea:☐ Admits suff. facts

FINDING

JUDGE

☐ Cont. w/o finding until:☐ Appeal of find. & disp.☐ Appeal of disp.

IMPRISONMENT AND OTHER DISPOSITION

A true copy, Attest: *[Signature]*

FINAL DISPOSITION

☐ Discharged from probation☐ Dismissed at request of probation

DATE

FINE

SURFINE

COSTS

TOTAL DUE

DATE

PLEA

☐ Not Guilty ☐ Guilty ☐ Nolo☐ New Plea:☐ Admits suff. facts

FINDING

JUDGE

☐ Cont. w/o finding until:☐ Appeal of find. & disp.☐ Appeal of disp.

IMPRISONMENT AND OTHER DISPOSITION

FINAL DISPOSITION

☐ Discharged from probation☐ Dismissed at request of probation

DATE

DATE

TAPE NO

START

STOP

CONT TO

PURPOSE

CONT. TO

PURPOSE

12-29-92 Cal 121

1-6-93 Cal 1-121

1-21-93 Cal 1-121

1-26-93 Cal 1-121

5-21-93 jury trial

29.

SEE REVERSE SIDE FOR DOCKET ENTRIES OF MOTIONS, CASE NOTES AND OTHER ACTIONS

EXHIBIT K

WESTFIELD POLICE DEPARTMENT
15 WASHINGTON STREET
WESTFIELD, MA. 01085

I ANN MULLER I'AM AT THE WESTFIELD POLICE DEPARTMENT GIVING OFFICER TORRES A STATEMENT OF MY OWN FREE WILL. ON 11/27/92 I CAME HOME FROM A MEETING AND FOUND DON HOME PLAYING HIS ELECTRIC GUITAR AND DRINKING BEER. HE LEFT ABOUT 4 P.M. TO HELP IS BROTHER MOVE. I TOLD HIM IF HE WAS GOING TO DRINK NOT TO COME HOME BECAUSE WHEN HE DRINKS HE GETS PARANOID AND BECOMES AGGRESSIVE AND I GET SCARED BECAUSE HE THREATENS TO KILL HIMSELF TONIGHT WHEN I TOLD HIM NOT TO DRINK AROUND ME. HE SAID HE HAD THE RIGHT TO DRINK AND STARTED GETTING OBNOXIOUS I WENT TO PUT THE T.V. ON AND HE UNPLUGGED IT. I DECIDED TO CALLED THE POLICE BECAUSE HE WAS GETTING ME UPSET AND WHEN I DID HE TOOK THE PHONE AWAY FROM ME AND SMASHED IT ON THE GROUND. WHEN THE POLICE CAME HE WOULDN'T OPEN THE DOOR. HE HAD A PIPE IN ONE HAND AND A KNIFE IN THE OTHER. THE POLICE ASKED ME TO OPEN THE DOOR AND I YELL I COULD'NT BECAUSE HE HAD A PIPE AND A KNIFE. I DIDN'T KNOW WHAT HE WAS GOING TO DO WITH THE KNIFE AND I WAS AFRAID TO GO TO THE DOOR. THE POLICE TOLD HIM IF HE DIDN'T OPEN THE DOOR THEY WOULD BREAK IT DOWN. DONALD TOLD THE POLICE THAT IF THEY CAME IN HE WAS GOING TO HURT HIMSELF AND HELD THE KNIFE BY THE HANDLE WITH THE BLADE TOWARDS HIM. ONCE THE POLICE BROKE THE DOOR DOWN, I SAW THE KNIFE GO TOWARD HIS STOMACH AND THEN HE RAN TOWARDS THE KITCHEN AND DROPPED IT ON THE FLOOR AND THE POLICE HELD HIM DOWN. I PICKED UP THE PHONE AND THE POLICE WAS STILL THERE. I ASKED FOR AN AMBULANCE AND THEY TOLD ME WAS ON IT'S WAY. THEN I HANDED THE PHONE TO THE POLICE OFFICER.

Ann Muller

11/27/92

Defendants, [all named] hereinabove did knowingly and intentionally committed violations of Plaintiff's ESTABLISHED federal constitutional rights, privileges and immunities, and Federal and State STATUTORY LAW(S) and FEDERAL SUPREME COURT; COURTS OF APPEALS and prior U.S. DISTRICT COURT decisions relevant to each claim and CAUSES OF ACTIONS, complained of within this CIVIL RIGHTS COMPLAINT, proving the prima facie violation of Plaintiff's federal Constitutional rights.

PLAINTIFF'S PRAYER AND DEMANDS FOR RELIEF

wherefore, the Plaintiff, DONALD R. MULLER, pro se do hereby respectfully request and demands, that this Honorable Court, grant him, the following relief;

1. Issue declaratory and injunctive relief on all claims and issues Plaintiff has presented here in above in this federal civil complaint.
2. That this Court AWARD, in monetary amounts, of THREE MILLION DOLLARS (\$3,000,000.00) in compensatory damages to be paid by the defendants, to the Plaintiff.
3. That this Court AWARD in monetary amounts of ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.00) in punitive damages to be paid by the defendants, to the plaintiff.

4. That this Court Grant the Plaintiff a jury trial on all claims and issue triable, which are guaranteed by Plaintiff's SEVENTH AMENDMENT U.S. CONSTITUTIONAL rights.

5. That this Court Grant the Plaintiff the rights and opportunity to AMEND this Civil Complaint with additional claims and causes of actions whenever such issues are revealed to him by the defendants, and/or others.

Date: 9-7-04

I, DONALD P. MULLER, do hereby
state under the pains and penalty
of perjury, that all facts stated
hereinabove are true to the best
of my knowledge and belief.

Donald P. Muller

DONALD P. MULLER pro se

769 WORTHINGTON STREET

SPRINGFIELD MASS. 01105

(413) 732-3069-shitter